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Paper No. 18

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Technology Center 2100

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In re Application of: Adamy et al.)
Application No. 09/485,445)
Attorney Docket No. 32221-153110 RK) **DECISION ON PETITION TO**
Filed: February 11, 2000) **WITHDRAW HOLDING OF**
For: CONTROL UNIT COMPRISING) **ABANDONMENT UNDER 37 CFR**
DYNAMIC FUZZY LOGIC CONTROL) **§1.181**
ELEMENTS, TEMPORALLY DISCRETE)

This is a decision on the renewed petition filed February 16, 2004 and supplemented by a response filed March 15, 2005 requesting the Withdrawal of the Holding of Abandonment under 37 CFR §1.181. This application was held abandoned for failure to respond to the Notice of Allowance mailed December 2, 2002 (Paper No. 9). The original petition was filed July 2, 2004 and was dismissed on February 8, 2005.

In the renewed petition and supplement, the practitioners submitted papers to support the statements involving the nonreceipt of the Notice of Allowance. These include a statement from the practitioner of record, and clarifying statements about the firm's docket report dated March 1-3, 2003 and the firm's incoming mail log from the dates of December 2-13, 2002. These submissions supplement the original petition and evidence filed on July 2, 2004.

The petition, along with the renewed petition and supplement comply with the requirements set forth in MPEP § 711.03(c). The evidence submitted supports the practitioner's statement that he never received the Office action and overcomes the presumption of receipt.

The petition is **GRANTED**. The holding of abandonment is withdrawn.

The application will be forwarded to the Technology Center support staff for withdrawal of the holding of abandonment. Applicants have submitted an amendment at the request of the Special Programs Examiner to ensure the dependencies of any allowed claims are clear. The application will be forwarded to the examiner for consideration of the amendment filed March 15, 2005 and a Notice of Allowability will be remailed, if appropriate.

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